



PATENT APPLICATION #11/10/3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of

Adam J. Simonoff

Serial No.: 09/296,757

Filed: April 23, 1999

Docket No.: NC 79259

Group Art Unit: 2154

Examiner: Viet Duy VU

For: **A METHOD FOR FACILITATING  
COLLABORATIVE DEVELOPMENT EFFORTS  
BETWEEN WIDELY DISPERSED USERS**

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**APPELLANT'S BRIEF ON APPEAL UNDER 37 CFR §1.192**

**Technology Center 2100**

Honorable Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Sir:

Appellant, within a two (2) month period from the September 23, 2002, filing date of the Notice of Appeal, herein files an Appeal Brief drafted in accordance with the provisions of 37 C.F.R. § 1.192 (c) as follows:

**I. REAL PARTY IN INTEREST**

Appellant respectfully submits that the above-captioned applications is assigned, in its entirety, to the United States of America, as administered by the Secretary of the Navy.

## **II. RELATED APPEALS AND INTERFERENCES**

Appellant states that, upon information and belief, he is not aware of any co-pending appeal or interference which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

## **III. STATUS OF CLAIMS**

Claims 1-21 are pending. Claims 1 - 3<sup>1</sup> and 9 were amended in the Amendment filed on April 5, 2002. No claims were either cancelled or amended in the Request for Reconsideration filed on July 26, 2002, in response to the Final Office Action dated April 26, 2002. Thus, claims 1-21 are on appeal and all rejections concerning claims 1-21 are herein being appealed.

## **IV. STATUS OF AMENDMENTS**

Claims 1-3 and 9 were amended as a matter of right in response to the First Office Action dated December 5, 2001 (Paper No. 3); no claims amendments were offered in responding the Final Office Action dated April 26, 2002 (Paper No. 6). Thus, there are no amendments either awaiting entry or denied entry and claims 1-21 are on appeal.

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<sup>1</sup> Claims 1 - 3 were amended to broaden their scope when it became apparent during prosecution that none of the applied and/or cited references disclose generating either an active hyperlink object or a moving track object. For that reason, the recitation of moving track object was deleted from pending claims 1-3.

**V. SUMMARY OF THE INVENTION**

The Common Collaboration Environment (CCE) application (hereinafter White Board) disclosed in the above-identified application allows a large organization to solve certain interoperability problems while satisfying collaboration requirements and, thus, satisfy all of the following goals:

- a. Display tactical and strategic information on any vendor's modern commercial off the shelf (COTS) equipment without modification;
- b. Permit display of active moving content, as well as incorporation of active hyperlinks and active GUIs.
- c. Maintain accountability by requiring that all users log into a White Board secure server, allowing each client to be uniquely identified and allowing a system administrator to "kill" White Board clients, i.e., forcing the White Board client offline; and
- d. Deliver a technology for providing training both afloat and ashore, independent of the system on which training is being provided and independent of the training facilities available.

See page 13, lines 6-19.

Fig. 2 illustrates a computer system 1 that includes servers 100a through 100n, object generators 200a through 200m, and computers 300a-300r. All of the servers 100a-100n, the object generators 200a-200m and the computers 300a-300r are operatively connected to one another via a communications link 400. Each of the machines 100a-100n and 200a-200m includes a processor, working memory, a storage device such as a hard disk, and a communications device, e.g., a network interface card. Computers 300a-300r can include desktop computers, laptop computers and/or workstations in any mix; thus, these computers include a central processing unit, a graphic display processor, the graphic display device, e.g., monitor, a communications device and several memories including both solid state memories, i.e., random access memory (RAM) and a hard disk

drive. Link 400 can be any one of a local area network (LAN), a wide area network (WAN), etc. See page 13, line 26, through page 14, line 15.

In Fig. 3, the computer system 1 is illustrated as including a server host 100, an application host, i.e., object generator, 200, and client host computers 300a and 300b, all of which are interconnected to one another via a LAN or WAN 400 (hereinafter LAN 400). The server host 100 provides a Web server 101, a White Board server 102, and a generated object server 103. The application host 200 can be another computer running a predetermined program to generate an object, which can be accessed by the users operating client hosts 300a and 300b. Alternatively, the application host 200 can be a file server storing files such as maps and satellite images. Client hosts 300a and 300b provide a JAVA™ enabled web browser, i.e., a web browser implementing a JAVA™ virtual machine, while the Web server 101 on server 100 stores a web page and associated White Board Applet tag. See Fig. 5 for an exemplary web page listing. When the downloading of the web page from the Web server 101 to the client host 300a, i.e., the web browser on the user's computer, is completed, the White Board Applet is executed to thereby display the White Board on the user's computer. See page 14, line 24, through page 15, line 10.

When the White Board Applet 301a on client host 300a runs, it will connect to the White Board Application Server 102 running on server 100 while displaying all of the windows for the client-side White Board display, i.e., the White Board GUI will be presented to the user. The user can then run the White Board application, which can transfer data between the White Board server 102 running on server 100 and other White Board clients, i.e., computer 300b. As discussed in greater detail below, the object generator 200 can provide information, i.e., an image, which may be an active image, for display on the White Boards presented on computers 300a and 300b via generated object server 103. Fig. 4 illustrates the White Board running on a computer 300 resulting from the collaboration of several users remotely located with respect to one another. See page 15, lines 11-23.

Although the White Board server 102 and the generated object server 103 are stand alone applications, their functions were separated as an aid to understanding the White Board system operation. A single White Board server could provide both server functions when system requirements do not mandate that the objects generated by object generator 200 be displayable irrespective of White Board server status. See page 20, lines 17-22.

The White Board is started, operated and shutdown as illustrated in the high level flowchart of Fig. 8. During step S1, the user on computer 300a, for example, connects to the web sever 101 operating on server 100 via LAN 400. The web server 101 downloads a web page containing the White Board Applet tag to the JAVA™-enabled web browser running on computer 300. When the JAVA™-enabled web browser encounters the White Board Applet tag, the White Board client applet is downloaded from server 100 to computer 300 during step S2. During step S3, the White Board Client 301 initializes and requests login information from the user, as a security precaution. During step S4, the White Board client 301 uploads login information, e.g., user name and password, to White Board server 102 via LAN 400. The White Board server 102 then determines whether the user attempting to login is an authorized user or not during step S5. In the event that the login information is acceptable, all features of the White Board client 301 running on computer 300 are activated during step S6. In the event that the user's identity is not acceptable to the White Board server 102, the White Board client shuts down during step S9. See page 23, line 18, through page 24, line 2.

Once the White Board client 301a becomes available for use at step S6, either the user of the White Board client 301a or another user operating White Board client 301b updates the White Board client 301a during step S7, as discussed in greater detail below. Each change to the White Board client 301a triggers a check to determine whether the White Board client is to be shut down during step S8. If the answer at step S8 is NO, the users continue to cooperatively update the White Board client 301a; when the answer is YES, the White Board client 301a is shut down at step S9. See page 24, lines 4-13.

The user draws on the White Board client 301a as illustrated in Fig. 9A, which is a flowchart reflecting operations from the White Board user's perspective. During Step S10, the user selects the drawing object pull down menu illustrated in Fig. 7. Then, the user selects one of the objects by executing one of the steps S11-S16 to add to the White Board display. A detailed discussion of adding non-intuitive objects to the White Board display area will be presented below. During step S17, the user determines whether to add other objects to the White Board display area. If the user desires to add other objects to the White Board display, an additional one of steps S11-S16 is executed. When the determination of step S12 is NO, the user logs out of the White Board client 301 during step S18, i.e., the White Board client 301 shuts down during step S19. See page 25, lines 1-9.

From a programmer's perspective, the White Board client 301 operates as illustrated in Fig. 9B. When the White Board client 301 starts at step S20, the White Board client waits for a "mouse down" event, since the exemplary White Board client is a JAVA™ applet, i.e., a event driven application. Selection of an object from the resource list depicted in Fig. 7 creates an empty wrapper, which wrapper is assigned a unique identifier and which wrapper contains the selected object label. Thus, when a mouse down event occurs at step S21, step S22 is performed to determine whether the object is a graphic, i.e., a bit map, object. When the answer is NO, another check is performed to determine whether the object can be instantiated, i.e., created, during step S24. When the answer at step S24 is YES, the selected object is instantiated; when the answer is NO, an error message is displayed during step S29 and the White Board client is stopped at step S30. See page 25, lines 11-21.

When the answer at step S22 is YES, i.e., the object is a graphic object, or after the object is instantiated at step S24, the information needed to regenerate the selected object is placed into the above-mentioned wrapper, to thereby generate a wrapper object. As mentioned above, the wrapper includes a unique identifier so that the wrapper object can be locally identified, used by the local White Board client 301 and globally identified

to prevent collisions with other wrapper objects. During step S26, the wrapper object is added to a vector holding all wrapper objects drawn on the local White Board client 301. Using the thus generated vector, the wrapper object is displayed in the White Board client 301. When a "mouse up" event occurs, the wrapper object is transmitted to the White Board server 102 over LAN 400 for relay to the other active White Board clients, as discussed in greater detail with respect to Fig. 11. It should be noted that "mouse up" should be understood to equate to "hard return" with respect to text, since the wrapper object containing text is transmitted to White Board server 102 when a hard return is sent by the user. See page 25, line 23, through page 26, line 5.

In terms of system architecture, every White Board Client 301 connects to a shared White Board server 102. It will be noted that no White Board client can communicate directly with another White Board client, White Board clients only communicate with the White Board server both for reasons of security and for reasons dictated by the programming environment. **From a security perspective, the White Board system was developed to permit the White Board server to filter the data, wrapper objects, by privilege. Additionally, in order to insure traceability, i.e., the ability to retrace or recreate the steps by which the White Board display was generated, it is necessary to maintain a central logging and data storage capability.** Moreover, it will be appreciated that Java applets further reinforce this security mechanism. The White Board client, as an unsigned applet, can only make a network connection to the machine address served to it by the user's web browser. See page 27, lines 1-11.

When a user does something on the White Board or when the user chats with other White Board users, the White Board client sends the action via a command up to the White Board server. **The White Board server then relays the command on to the other White Board clients, assuming that the other White Board clients have the correct security privilege to receive and execute the command.** Every command is time stamped by the White Board server and contains the action, its privilege, the originating user, machine address, port number, and object specific data sufficient to

recreate the same object remotely. In other words, the White Board server time stamps each wrapper object so that the White Board system can afterwards determine when the wrapper object was created and when the wrapper object was modified, and stores a copy of the wrapper object on the White Board server (or at a White Board server specified location). Given that information, it will be appreciated that a complete history may be logged and replayed. It will also be appreciated that each White Board client maintains its own unique copy of the White Board based on the user's maximum privilege. See page 27, line 25, through page 28, line 8.

Fig. 11 illustrates the operation of White Board server 102 receiving both objects defined by White Board client 301a and an active track generated by computer 200a via LAN 400. In the illustrated example, the White Board server 102 attempts to transmit the object and the active track to White Board clients 301b and 301c, also via LAN 400. The White Board server 102 receives the object transmitted by White Board client 301a running on computer 300a during step S31. A check is then performed during step S32 to determine whether all of the White Board clients, e.g., White Board clients 301a, 301b and 301c, have the same privilege level. When the answer is YES at step S32, the White Board server 102 shifts to a multi-cast mode of operation during step S33 and relays the object to White Board clients 301b and 301c by simultaneously performing steps S36 and S39. When the answer at step S32 is NO, the White Board server 102 performs a check at step S34 to determine whether the object(s) to be transmitted to White Board client 301b has a privilege level less than or equal to the privilege level assigned to White Board client 301b. When the answer at step S34 is NO, the routine jumps to step S35, wherein the object is indicated as being ignored and the routine loops back to the beginning of step S34 to await the next object. In the event that the answer is YES, the received object is then transmitted to the active port corresponding to respective White Board client 300b during step S36. See page 36, line 17, through page 37, line 2.

When the answer at step S32 is NO, the White Board server 102 performs a check at step S37 to determine whether the object(s) to be transmitted to White Board client



301c has a privilege level less than or equal to the privilege level assigned to White Board client 301c. When the answer at step S37 is NO, the routine jumps to step S38, wherein the object is indicated as being ignored and the routine loops back to the beginning of step S37 to await the next object. In the event that the answer is YES, the received object is then transmitted to the active port corresponding to respective White Board client 300c during step S39. See page 37, lines 4-10.

Still referring to Fig. 11, the generated object server 103 receives an object, e.g., active track information, from computer 200a during step S40. It should also be noted that the active track information can be either an active track image itself or update information for an established active track object. In any event, the received object is then transmitted to the active ports corresponding to respective White Board clients 300b and 301c during steps S36 and S39. See page 37, lines 12-18.

It should be mentioned that the object with too high a privilege, i.e., a secret object being transmitted to a White Board server 301b with a confidential classification, can be treated in any number of ways to ensure that the object is not transmitted to the White Board server 301a. All of these methods, e.g., flagging the object, can be collectively termed security filtering. It should also be mentioned that the chat function, which allows all of the White Board clients to send real time text to all connected clients, can be security filtered as well. See page 37, line 26, through page 38, line 5.

## **VI. ISSUES**

Whether each of claims 1-21 is "anticipated by U.S. Patent No. 6,144,991 to Englund (hereinafter the '991 patent)."

## **VII. GROUPING OF CLAIMS**

Appellant hereby states that claims 1-21 stand or fall together.

### **VIII. ARGUMENTS**

In the "final" action mailed April 26, 2002, the Examiner provided the following statements in support of the rejection of all pending claims under 35 U.S.C. §102(e):

The rejection of claims 1-21 under 35 U.S.C. §102(e) as being clearly anticipated by England, applied in the previous office action, mailed 12/5/01, is hereby incorporated by reference.

In the Office Action dated December 5, 2001, the Examiner presented the following statements in support of the rejection of claims 1-21 under 35 U.S.C. §102(e):

England discloses a method and system for facilitating collaboration between a plurality of users comprising:

- a) selectively generating texts, hyperlinks, graphical objects at a user location on a whiteboard screen using a web browser which is independent of specific hardware and/or operating systems (see col. 30, lines 35-67 and col. 32, lines 42-64);
- b) transmitting all generated objects to a collaboration server (piper server 502) (col. 26, lines 20-29); and
- c) accumulating and filtering the generated objects at the collaboration server for selectively relaying the objects to session specific users, each having an associated privilege level, i.e., active participants, etc., (see col. 29, lines 60-67).

Per claims 9 and 17, England also teaches remove a user from a session in response to a command (see col. 28, lines 38-55).

Per claims 11-12 and 19-20, England teaches recording a session for later view by a user (see col. 22, lines 35-64).

Appellant respectfully requests the Board to reverse the Examiner's final rejection of claims 1-21 under 35 U.S.C. §102(e).

### **THE CITED PRIOR ART**

The sole applied reference discloses a guided telecommunications system. As illustrated in FIG. 12, which is a high-level block diagram of the Hamelin system 1200, a system for managing interactions between users (i.e., a guide and one or more clients) in a

browser-based telecommunications network includes a system (piper) server 502; a HTTP server 1204; at least one guide system 1206; and at least one client system 1208. Communication via the browser-based network among servers 502 and 1204 and guide system 1206 and client system 1208 uses packets propagating serially based upon the TCP/IP protocol. However, guide system 1206 only communicates directly with HTTP server 1204 and system server 502; server 502 only communicates directly with guide system 1206 and client system 1208; client system 1208 only directly communicates with servers 1204 and 502; and, finally, server 1204 only communicates directly with systems 1206 and 1208. Accordingly, system 1200 represents a logical model for the inter-element communications, with the direct communication paths shown as separate logical paths. Piper server 502 communicates using a Web Guide Protocol (WGP) which is written on top of TCP/IP. HTTP server 1204 communicates using the HTTP protocol. Guide system 1206 and client system 1208 both communicate using TCP/IP. See col. 14, line 65 through col. 15, line 29.

In general, piper server 502 acts as an intermediary between guide system 1206 and client system 1208. In general, the guide initiates instructions. These instructions are to load framesets, frame layouts, and/or frame contents such as Web pages, collaborative tools and/or Internet Resources. These instructions are communicated to piper server 502. Piper server 502 forward these instructions to all connected client systems through their client-side components. Each client-side component 904 orders its associated client Web browser 1312 to implement the guide's instructions. See Col. 26, lines 20-29.

The '991 patent also discloses that while generally the frames displayed on the client 1208 are generated via commands issued by the guide 1206 and relayed via the piper server 502, it is possible to effect the display of the guide system 1206 and other clients 1208 via commands. For example, as illustrated in FIG. 39, the user sometimes clicks and drags a mouse to draw a line. When the mouse button is released, director application 1306 or client-side component 904 sends the WGP command: "LINE COLOR 3 N X1Y1X2Y2" to piper server 502 where color is the desired color for the display of the whiteboard, forwards the WGP command to all connected client systems, to cause each client system draws the line

segments on their respective Web browsers. See col. 33, lines 19-33. Alternatively, the guide can construct a collaborative tool such as a shared pointer that both the client and guide will view simultaneously on their Web browsers. Either party can "click on and drag" the pointer. If either party moves it, it moves on all display screens for the PC systems (i.e. guide PC system(s) and client PC system(s)). The shared pointer responds to commands such as: POINTER ON (to make the pointer visible); POINTER OFF (to make the pointer invisible); POINTER COLOR (any color available in the spectrum such as RED, GREEN, BLUE, PINK, PURPLE, or YELLOW); and POINTER MOVE X, Y (to move POINTER to position X, Y). See Col. 31, line 57, through Col. 32, line 20

**THE CLAIMS ON APPEAL ARE NOT UNPATENTABLE UNDER 35 U.S.C. § 102(e)**

As discussed in both the previously filed Amendment of April 5, 2002, and the Request for Reconsideration filed July 5, 2002, anticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim. See Connell v. Sears, Roebuck & Co., 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983). Thus, an invention is anticipated if the same device, including all the claim limitations, is shown in a single prior art reference. Every element of the claimed invention must be literally present, arranged as in the claim. The identical invention must be shown in as complete detail as is contained in the patent claim. Thus, a rejection for anticipation or lack of novelty requires, as the first step in the inquiry, that all the elements of the claimed invention be described in a single reference. Richardson v. Suzuki Motor Co., 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989), *cert. denied*, 110 S.Ct. 154 (1989). Furthermore, the reference must describe the applicant's claimed invention sufficiently to have placed a person of ordinary skill in the field of the invention in possession of it. Akzo N.V. v. United States Int'l Trade Comm'n, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986), *cert. denied*, 482 U.S. 909 (1987); In re Coker, 175 U.S.P.Q. 26, 29 (C.C.P.A. 1972).

Moreover, anticipation requires that all of the elements and limitations of the claim are found within a single prior art reference. There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. See Scripts Clinic v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 10 (Fed. Cir. 1991).

The pending application and the allegedly anticipatory '991 patent are discussed in detail above.

Appellant respectfully submits that the Final Office Action has not set forth a "prima facie" case of anticipation, since the '991 does not disclose:

1. generating objects including an active hyperlink object;
2. transmitting the generated objects including the active hyperlink object;
3. accumulating the generated objects including the active hyperlink object;
4. filtering the accumulated objects including the active hyperlink object, to thereby permit selective retransmission of the objects to respective ones of the other users;

which limitations are common to all of independent claims 1, 5, and 13. Moreover, independent claim 13 includes numerous limitations not found in either in independent claims 1 and 5 and clearly lacking in the '991 patent.

Independent claim 1 recites:

1. A method facilitating collaboration between a plurality of users of incompatible hardware and/or operating systems, comprising:
  - selectively generating predetermined objects, text objects, active hyperlink objects, and freehand drawing objects, which are displayable at user-selected locations on a White Board screen of one of the users;
  - transmitting all generated ones of the predetermined, the active hyperlink, the text, and the freehand drawing objects for selective distributions to each of the other users;
  - accumulating the predetermined, the active hyperlink, the text, and

the freehand drawing objects; and

filtering the predetermined, the active hyperlink, the text, and the freehand drawing objects to thereby permit selective retransmission of the predetermined, the active hyperlink, the text, and the freehand drawing objects to respective ones of the other users.

It is respectfully submitted that since the '991 patent does not disclose or even suggest the generating, transmitting, accumulating, and filtering steps, the '991 patent cannot anticipate the inventive method of claim 1.

However, before addressing the specific steps recited in claim 1, Appellant wishes to focus on the wording of the preamble, i.e., "[a] method facilitating collaboration between a plurality of users." The rationale set forth in the Final Office Action in rejecting claims alleged that a filtering step is disclosed by England is as follows:

"Applicant also alleges that England does not teach filtering information because all users coupled to the piper server receive the same information.

The examiner disagrees. England's piper server is capable of creating and maintaining several independent sessions at the same time (see col. 11, lines 21-33). In other words, a user in one conference session does not necessarily receive data sent by other users in another conference. Thus, when the piper server receives an object from a user, it forwards the received object to all (active) participating users in a select session, not to all users in all sessions managed by the piper server (see col. 29, lines 47-67)."

However, *the users in the Examiner's postulated first session are not collaborating with any users of a second session.* While there may be two groups of users in two separate sessions connected to the piper server 512, the fact that the second group does not see the objects generated by one or more users in the first group is not dispositive of anything, since the members of the second group are not collaborating with members of the first group. Moreover, the Examiner admits, in the rationale supporting the rejection, that "when the piper server receives an object from a user [in the first session], it forwards the received object to all (active) participating users in a select [first] session." Thus, the

Final Office Action admits that all collaborating users receive all transmitted objects, and not selected, i.e., filtered, ones of the objects.

Turning now to the express wording of claim 1, it is respectfully submitted that the '991 patent does not disclose or suggest generating an active hyperlink object. The Whiteboard disclosed by the '991 patent is illustrated in Fig. 11 and discussed at column 13, lines 35-50. In particular, the '991 patent states that Fig. 11 shows another illustrative embodiment of the guide's display screen when a collaborative tool such as a shared whiteboard is implemented and the frame layout in the remotely displayable frames 1010 is but a single frame (i.e. the frame layout of Fig. 4A). Using the shared whiteboard, the client and specialist can exchange notes and diagrams. This frame 1102 contain a Web page having information on Adapt/X products. Shared pointer 1103 can also be implemented so that the guide can elaborate on a question from the client. The guide can tell the client to "click here" via the whiteboard method for further information as depicted at 1104 and can circle a feature of the Web page, as shown at 1106, and write that these are "target Ads" in response to a question posed by a client using the whiteboard method. Further discussion the Whiteboard is found at column 32, line 42, through column 33, line 32. This discussion documents the fact that the Whiteboard can be a transparent overlay on a frame displaying an HTML page provided by HTTP server 1204 of Fig. 12, that lines can be drawn on one client, and that commands corresponding to the drawn line will be forwarded to all of the other users.

Thus, there is not a single word within the four corners of the '991 patent that would allow one of ordinary skill in the art to conclude that either of the client computers 510, 512 (See Fig. 5 and the corresponding description at column 11, lines 21-50) is capable of generating an "active hyperlink object" using a Whiteboard. In fact, there is no discussion regarding generating an "active hyperlink object" anywhere in the '991 patent. As indicated at column 15, lines 44-50 and column 2, lines 40-50 in discussing Fig. 12 of the '991 patent, HTTP Server 1204 merely delivers web pages.

With respect to the recited transmitting step, the '991 patent clearly does not

transmit "all of the generated . . . objects," since the '991 patent does not, and cannot, disclose transmitting a generated active hyperlink object, since an active hyperlink object is not generated by the '991 patent, i.e., the software and system disclosed in the '991 patent is incapable of generating an active hyperlink object. As discussed above, the '991 patent discloses transmitting commands, the line drawing command illustrated in Fig. 39, and not the line, i.e., the object, itself. Moreover, assuming *arguendo* the piper server 502 receives all objects, which is clearly not the case, the piper server 502 is incapable of selective transmission to these objects to other clients 1208 participating in the session, as discussed in greater detail below.

With respect to the accumulating step, since the '991 patent does not disclose the transmitting step of claim 1, i.e., the '991 patent does not transmit the generated objects, the '991 patent cannot disclose the recited accumulating step.

With respect to the filtering step, it is respectfully submitted that there is not one word within the four corners of the '991 patent that discloses or even suggests a filtering step. **All of the session clients, i.e., the users (clients 510 and 512) actually collaborating with one another by virtue of being coupled to the piper server 502, receive exactly the same information.** See col. 29, line 6, through col. 30, line 3. See also the discussion above regarding the preamble language.

For all of the reasons given above, it is respectfully submitted that the 35 U.S.C. §102(e) rejection of claim 1 is without merit and should be reversed. Claims 2-4 depending from independent claim 1, are allowable for all of the reasons given with respect to claim 1.

It is also respectfully submitted that independent claims 5 and 13 distinguish over the '991 patent for all of the reasons noted with respect to claim 1. Moreover, claims 5 and 13 distinguish even further over the applied reference by virtue the of the recitation of "generating ... a moving track object," which is completely missing from the '991 patent. Thus, it is also submitted that the 35 U.S.C. §102(e) rejection of claims 5 and 13 is without merit for all of the reasons numerated above. Claims 6-12 and 14-21, depending from



claims 5 and 13, respectively, are allowable for all of the reasons given with respect to claims 5 and 13.

In short, independent claims 1, 5 and 13 recite generating objects, i.e., active hyperlink and/or active track objects. In contrast, the '991 patent does not disclose or suggest generation of this(ese) object(s) anywhere within the four corners of the '991 patent. Thus, the '991 patent cannot anticipate the invention recited in claims 1, 5 and 13.

Moreover, and in any event, the '991 patent does not disclose or suggest a step for "filtering the predetermined, the active hyperlink, the text, and the freehand drawing objects to thereby permit selective retransmission of the predetermined, the active hyperlink, the text, and the freehand drawing objects to respective ones of the other users." In other words, all of the objects generated by a first of several users need not be transmitted to all of the other users collaborating with the first user. Since all of claims 1, 5, and 13 positively recite this step, and since there is no structure or software disclosed in the '991 patent capable of performing such a step, the '991 patent cannot possibly anticipate the invention recited in claims 1, 5, and 13.

Thus, Appellant respectfully submits that the Examiner has not even made out a prima facie case of anticipation under 35 U.S.C. §102 regarding any of pending claims 1-21.

For all the foregoing reasons, it is respectfully submitted that claims 1-21 (all the claims presently in the application) are patentable and that this application is otherwise in condition for allowance. It is, therefore, respectfully requested that the standing rejection be reversed and the application be passed to issue at the earliest possible time.

### **SUMMARY**

In summary, then, Appellant respectfully requests the Board to reverse the rejection of all the appealed claims and to find each of these claims allowable for defining subject matter which would not have been anticipated under 35 U.S.C. §102(b) at the time such subject matter was invented.


This Brief is being submitted in triplicate, and authorization for payment of the required

Brief fee is contained in the cover letter for this Brief. Please charge any fee (excluding the Issue Fee) that may be necessary for the continued pendency of this application to our Deposit Account No. 50-0967.

**Note: For convenience of detachment without disturbing the integrity of a remainder of pages of this Appeal Brief, Appellant's "APPENDIX" section is contained on separate appendix sheets following a signatory portion of this Appeal Brief.**

Appellant will delay a final decision on oral argument until after review of the Examiner's Answer.

Respectfully submitted,

  
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Attachment(s):  
Appendix Containing Pending Claims

Filed: November 7, 2002

**APPENDIX**

1. A method facilitating collaboration between a plurality of users of incompatible hardware and/or operating systems, comprising:

selectively generating predetermined objects, text objects, active hyperlink objects, and freehand drawing objects, which are displayable at user-selected locations on a White Board screen of one of the users;

transmitting all generated ones of the predetermined, the active hyperlink, the text, and the freehand drawing objects for selective distributions to each of the other users;

accumulating the predetermined, the active hyperlink, the text, and the freehand drawing objects; and

filtering the predetermined, the active hyperlink, the text, and the freehand drawing objects to thereby permit selective retransmission of the predetermined, the active hyperlink, the text, and the freehand drawing objects to respective ones of the other users.

2. The method as recited in claim 1, wherein the filtering step selectively transmits the predetermined, the active hyperlink, the text, and the freehand drawing objects to respective ones of the other users having at least a predetermined privilege level.

3. The method as recited in claim 1, wherein each of the predetermined, the active hyperlink, the text, and the freehand drawing objects has an associated privilege level and wherein the filtering step selectively transmits the predetermined, the active hyperlink, the text, and the freehand drawing objects to respective ones of the other users having at least the associated privilege level.

4. The method as recited in claim 1, wherein said filtering step is bypassed when all of said user have an identical privilege level.

5. A method facilitating collaboration between a plurality of users of incompatible hardware and/or operating systems, comprising:

- generating a White Board server;
- generating a plurality of White Board clients;
- selectively generating predetermined objects, text objects, active hyperlink objects, active track objects, and freehand drawing objects on a screen associated with one of said White Board clients;
- transmitting all generated ones of the predetermined, the active hyperlink, the text, the active track, and the freehand drawing objects to said White Board server;
- accumulating the predetermined, the active hyperlink, the text, the active track, and the freehand drawing objects at said White Board server; and
- filtering the predetermined, the active hyperlink, the text, the active track, and the freehand drawing objects to thereby permit said White Board server to selectively relay the predetermined, the active hyperlink, the text, the active track, and the freehand drawing objects to selected ones of the other said White Board clients.

6. The method as recited in claim 5, wherein the filtering step selectively transmits the predetermined, the active hyperlink, the text, the active track, and the freehand drawing objects to selected ones of the other said White Board clients having at least a predetermined privilege level.

7. The method as recited in claim 5, wherein each of the predetermined, the active hyperlink, the text, the active track, and the freehand drawing objects has an associated privilege level and wherein the filtering step selectively transmits the predetermined, the active hyperlink, the text, the active track, and the freehand drawing objects to selected ones of the other said White Board clients having at least the associated privilege level.

8. The method as recited in claim 5, wherein said filtering step is bypassed when all

of said White Board clients have an identical privilege level.

9. The method as recited in claim 5, further comprising the step of shutting down at least one of said White Board clients responsive to a received command signal.

10. The method as recited in claim 5, wherein operating of a first active hyperlink on a first White Board client causes selected other ones of said White Board clients to display the file specified by the universal resource locator (URL) associated with the first active hyperlink.

11. The method as recited in claim 5, wherein repeated operation of said selectively generating, transmitting, accumulating, and filtering steps defines a White Board session, said method further comprising storing data representative of said White Board session as a web page.

12. The method as recited in claim 5, wherein repeated operation of said selectively generating, transmitting, accumulating, and filtering steps defines a White Board session, said method further comprising reconstructing said White Board session from object accumulated during said accumulating step.

13. A method facilitating collaboration between a plurality of users of incompatible hardware and/or operating systems, comprising:

- generating a White Board server;
- generating a plurality of White Board clients;
- generating an object server receiving a generated object;
- selectively generating predetermined objects, text objects, active hyperlink objects, active track objects, and freehand drawing objects on a screen associated with one of said White Board clients;

transmitting all generated ones of the predetermined, the active hyperlink, the text, the active track, and the freehand drawing objects to said White Board server;

accumulating the predetermined, the active hyperlink, the text, the active track, and the freehand drawing objects at said White Board server;

filtering the predetermined, the active hyperlink, the text, the active track, and the freehand drawing objects to thereby permit said White Board server to selectively relay the predetermined, the active hyperlink, the text, the active track, and the freehand drawing objects to selected ones of the other said White Board clients; and

transmitting the generated object to all of the White Board clients.

14. The method as recited in claim 13, wherein the filtering step selectively transmits the predetermined, the active hyperlink, the text, the active track, and the freehand drawing objects to selected ones of the other said White Board clients having at least a predetermined privilege level.

15. The method as recited in claim 13, wherein each of the predetermined, the active hyperlink, the text, the active track, and the freehand drawing objects has an associated privilege level and wherein the filtering step selectively transmits the predetermined, the active hyperlink, the text, the active track, and the freehand drawing objects to selected ones of the other said White Board clients having at least the associated privilege level.

16. The method as recited in claim 13, wherein said filtering step is bypassed when all of said White Board clients have an identical privilege level.

17. The method as recited in claim 13, further comprising the step of shutting down at least one of said White Board clients responsive to a received command signal.

18. The method as recited in claim 13, wherein operating of a first active hyperlink on a first White Board client causes selected other ones of said White Board clients to display the file specified by the universal resource locator (URL) associated with the first active hyperlink.

19. The method as recited in claim 13, wherein repeated operation of said selectively generating, transmitting, accumulating, and filtering steps defines a White Board session, said method further comprising storing data representative of said White Board session as a web page.

20. The method as recited in claim 13, wherein repeated operation of said selectively generating, transmitting, accumulating, and filtering steps defines a White Board session, said method further comprising reconstructing said White Board session from object accumulated during said accumulating step.

21. The method as recited in claim 13, wherein said generated object comprises an object sequence, and wherein each member of said object sequence is different than all other members of said object sequence.